

**SUPREME COURT MINUTES
THURSDAY, MAY 19, 2005
SAN FRANCISCO, CALIFORNIA**

S116081

A100194 First Appellate District,
Division Five

SIERRA CLUB v. CALIFORNIA COASTAL COMM
(CATELLUS RESIDENTIAL GROUP)

Opinion filed: Judgment affirmed in full

Opinion by Chin, J.

--- joined by: George, C.J., Kennard, Baxter,
Werdegar, Brown, Moreno, JJ.

S120551

H024041 Sixth Appellate District

PEOPLE v. GARZA

Opinion filed: Judgment reversed

with directions to affirm the trial court's
judgment.

Opinion by Kennard, J.

--- joined by George, C.J., Baxter, Werdegar,
Chin, Brown, Moreno, JJ.

S127086

B165665 Second Appellate District,
Division Two

GENERAL MOTORS v. FRANCHISE TAX BOARD

Extension of time granted

to May 27, 2005 for plaintiffs (General Motors
Corp., et al) to serve and file answers or a
consolidated answer to multiple amicus curiae
briefs.

S011636

PEOPLE v. BLAIR (JAMES N.)

Request for judicial notice granted

The request for judicial notice filed by the
respondent in the above-entitled matter on
August 26, 2002, is granted.

The request for judicial notice filed by the
appellant in the above-entitled matter on January
2, 2003, is granted.

S116223

E028592 Fourth Appellate District,
Division Two

FITCH v. SELECT PRODUCTS

Request for judicial notice granted

The request of David Jay Fitch, Kaci Dee Fitch, and Bonnie Ann Fitch for judicial notice, filed in this court on January 20, 2004, is granted.

S118180

F039200 Fifth Appellate District

PEOPLE v. MARTINEZ

Request for judicial notice granted

The request of Victor Manuel Martinez for judicial notice, filed in this court on December 15, 2003, is granted.

S134012

D046097 Fourth Appellate District,
Division One

WILLIAMS v. S.C. (PEOPLE)

Order filed

The time for granting review on the court's own motion is hereby extended to and including June 12, 2005. (Cal. Rules of Court; rule 28.2(c).) This order is entered nunc pro tunc as of May 13, 2005.

S130824

MCGUIRE ON DISCIPLINE

Order filed

Due to an oversight by the State Bar, the order filed April 8, 2005, is corrected nunc pro tunc to provide that costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2006, 2007 and 2008,

S131684

ZOLA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **EMANUEL D. ZOLA, State Bar No. 207404**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing

Department of the State Bar Court in its order approving stipulation filed on January 4, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-fifth of said costs must be added to and become part of the membership fees for the years 2006, 2007, 2008, 2009 and 2010. (Bus. & Prof. Code, § 6086.10.)

S131686**MCGREW ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **FRANCIS JOSEPH MCGREW, State Bar No. 122523**, be suspended from the practice of law for one year and until he makes restitution to Eddie Tobias in the amount of \$2,500.00 plus 10% interest per annum accruing from 120 days after the filing date of the Supreme Court order imposing discipline in Case No(s). 03-O-04373; 03-H-02104, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. **Francis Joseph McGrew** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 23, 2004, as modified by its order filed January 6, 2005. It is further ordered that **Francis Joseph McGrew** take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S131693

REGAN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JAMES CARLISLE REGAN, State Bar No. 101905**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 18 months as recommended by the Hearing Department of the State Bar Court in its decision filed December 21, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131695

CHIN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ARNOLD CHIN, State Bar No. 95797**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days as recommended by the Hearing Department of the State Bar Court in its decision filed on December 21, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131696**MASON ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **JAMES PATRICK MASON, State Bar No. 86368**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 15, 2004, as modified by its order filed on January 18, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131697**MARTIN ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **LEROY ALLEN MARTIN, State Bar No. 137619**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that

execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed January 3, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7

S131704**WIENER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **LEWIS R. WIENER, State Bar No. 41186**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 4, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this

order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131707

MIKULICICH ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Nikola Mario Mikulicich, Jr., State Bar Number 169706**, be suspended from the practice of law in the State of California for thirty days; that execution of the thirty-day suspension be stayed; and that he be placed on probation for one year on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 6, 2005. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S132030

BONAS ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **CASH J. BONAS, State Bar No. 179837**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Cash J. Bonas** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132065

KERSHAW ON DISCIPLINE

Recommended discipline imposed

It is ordered that **GINA LYNN KERSHAW, State Bar No. 203848**, be suspended from the practice of law for two years and until she provides proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct , that execution of suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed January 24, 2005. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2006, 2007 and 2008.